

PSJ3  
Exhibit 426

Message

**From:** Giacalone, Robert [/O=CAH/OU=CARDINAL HEALTH/CN=RECIPIENTS/CN=ROBERT.GIACALONE]  
**Sent:** 8/21/2015 9:49:46 PM  
**To:** Woodburn, Connie [/O=CAH/OU=Cardinal Health/cn=Recipients/cn=Connie.Woodburn];  
linden.barber@quarles.com  
**Subject:** RE: Update on S. 483 - feedback requested

CARDINAL HEALTH CONFIDENTIAL  
PRIVILEGED ATTORNEY-CLIENT COMMUNICATION  
ATTORNEY WORK-PRODUCT

**Redacted - Privileged**

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**From:** Woodburn, Connie  
**Sent:** Friday, August 21, 2015 3:50 PM  
**To:** linden.barber@quarles.com; Giacalone, Robert  
**Subject:** FW: Update on S. 483 - feedback requested  
**Importance:** High

FYI – Connie.

**Redacted - Privileged**

**From:** Freitas, Kristen [<mailto:kfreitas@hdmanet.org>]  
**Sent:** Friday, August 21, 2015 3:45 PM  
**To:** Woodburn, Connie; Rita Norton ([rnorton@amerisourcebergen.com](mailto:rnorton@amerisourcebergen.com)); [pete.slone@mckesson.com](mailto:pete.slone@mckesson.com); Joe Ganley ([joe.ganley@mckesson.com](mailto:joe.ganley@mckesson.com))  
**Cc:** Gallenagh, Elizabeth; Kelly, Patrick; Cosgrove, Jewelyn  
**Subject:** Update on S. 483 - feedback requested  
**Importance:** High

**Confidential – Please do not share outside of your company.**

As I have discussed with each of you, Purdue and Endo are comfortable with the language proposed by DOJ. Based on the feedback I received from HDMA counsel and our members, I told Matthew (Hatch) and Lara (Whitehouse), as well as Purdue, that we have significant concerns with the language proposed by DOJ. NACDS shares our concerns. Matthew asked us to try and modify the DOJ proposed language to address our concerns.

Our outside counsel drafted the attached language as a starting point for all of you (and ultimately the rest of FGAC) to consider as modification to the DOJ language. He took a few terms from the DOJ language and incorporated those into the current language in S. 483. Ideally, we would like to simply oppose the DOJ language; however, given that the manufacturers support it and we have at least two Senators expressing support for the manufacturers' position, we want to be responsive to Matthew's request in an attempt to find some common ground.

**Please let me know your feedback on the attached DRAFT language by Monday at 5:00 p.m. Also, if you have alternate language that you would like to suggest, please let me know that as well.** I realize this is a quick turn-around but we are meeting with Matthew on Wednesday and want to have a productive discussion about our position and suggested language.

As a reminder, this is the language DOJ suggested:

“In this subsection, the phrase 'Imminent danger to the public health or safety' means that, due to the failure of the registrant to maintain effective controls against diversion or otherwise comply with the obligations of a registrant under this subchapter or subchapter II of this title, there is a substantial likelihood of an immediate threat that controlled substances will be diverted for use other than legitimate medical, scientific, or industrial purposes.”

“Effective controls” would be the same standard found in 21 USC 823 (b), (d), (e), and (f). “Legitimate medical, scientific, or industrial purposes” is similar to the phrase “medical, scientific, or other legitimate needs” found in 21 USC 952.

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